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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,368	01/30/2002	Christopher Jean Seiler	6647-29	4539
45842	7590	02/07/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. - NOVELL 1030 SW MORRISON STREET PORTLAND, OR 97205			SHORTLEDGE, THOMAS E	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,368	Applicant(s) SEILER ET AL.	
	Examiner Thomas E. Shortledge	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-19, 21-28, 30-32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-19, 21-28, 30-32 and 34-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to 10/13/2005.
2. Claims 1-4,6-10,12-19,21-28,30-32 and 34-38 are pending in the application.
Claims 1, 6, 15, and 24 are independent. Claims 1, 3-4, 6-10, 12-16, 18-19, 21-28, and 30-32 have been amended. Claims 5, 11, 20, 29 and 33 have been canceled. Claims 34-38 have been added.
3. The objections to claims 6 and 8 have been withdrawn in accordance of the applicants' amendments.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 6-10, 12-19, 21-32, and 24-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims rejected under 35 U.S.C. 102(e) as being anticipated by Fogarty (6,311,180).

As to claim 1, Fogarty teaches:

a computer (a target device such as a cell phone, col. 5 line 10);

a directory entry for the user, the directory entry stored in the computer and including identity information for the user (user profile input stored on the target device, col. 6, lines 1-9);

location information for a location from which the computer can be accessed (the user model contains local specific language prioritization process, col. 7, lines 60-64);

a ranker for ranking a plurality of languages based on at least the directory entry and the location information and a selector for selecting one of the plurality of languages with a highest rank (based on a user profile and locations, languages are ranked, and the highest ranking language is selected, col. 7, line 55 through col. 8, line 8).

As to claim 2, Fogarty teaches the identify information includes the language (the user profile includes language information, col. 6, lines 1-10).

As to claim 3, Fogarty does not teach:

a container hierarchy, the container hierarchy including at least a first container, the first container including a second container, the second container including the directory entry; and the second container including a default message.

The examiner takes official notice that it is old and well-known in client-server programming to use OO programming using Java or C++, high level languages that both have container classes. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to use OO programming in the Fogarty system to create a more efficient debugging process.

As to claim 4, Fogarty does not teach the directory entry can inherit the default language from the second container. However, it is old and well known in the art that when a new object is instantiated in OO programming, default settings are incorporated within a newly created object so that the programmer does not have to write code-assigning values to each variable. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for the user profile of Fogarty to inherit the default language of the container from which it was instantiated so that the programmer would not have to write code assigning the default language to each entry in the user database, thus increasing the efficiency in which the program can be written.

As to claims 6, 15 and 24, Fogarty teaches:

logging the user into a computer with login information , using the login information to identify a directory entry for the user (storing numerous user profiles on

display device, (col. 4, lines 55-58), where it would be necessary for a user to login to a device for a specific profile to be selected);

determining a first language from the directory entry from the user; determining a second language based on a location of the user (determining a first and second language that a user can understand, col. 7, lines 51-59);

ranking the first and second languages; and selecting a highest ranked language as the preferred language (a prioritization process for ranking the languages in the user profile, then selecting the highest ranking language, col. 7, line 59 through col. 8, line 8).

As to claims 7, 16 and 25, Fogarty teaches determining the first language includes determining the language from an identity information stored in the directory entry for the user (determining a language from the personal information of the user, col. 7, line 61, through col. 8, line 5).

As to claims 8, 17 and 26, Fogarty teaches accessing the directory entry for the user from the computer (accessing the user profile stored in the directory, col. 4, lines 55-58); and locating the identity information in the directory entry (locating the user location information within the user profile, col. 7, lines 55 through col. 8, line 5).

As to claims 9, 18 and 27 Fogarty teaches determining the first language includes determining that no language is specified in the identity information in the directory entry, and the method further comprises inheriting the first language from a

container of the directory entry (users who do not indicate a language, a locale specific prioritization process compares the languages used for the text portion with the languages used in the locale where the user lives, and selects a corresponding language, col. 7, line 61 through col. 8, line 4).

As to claim 10, 19, and 28, Fogarty teaches determining the second language includes determining the location of the user; and identifying a default language for the location of the user in the language (determining the location of the user and determining a language based on that location, col. 7, line 61 through col. 8, line 4).

As to claims 12, 21 and 30, Fogarty teaches determining a third language from a browser, and ranking the first and second languages includes ranking the first, second, and third languages (finding a language from a document based on the text of the document to display, and ranking the languages, col. 7, line 53 through col. 8 line 14).

As to claims 13, 22 and 31, Fogarty teaches using the preferred language to display the content to the user (outputting the document in a language the user can understand, col. 6, lines 5-10).

As to claims 14, 23 and 32, Fogarty teaches using the preferred language includes sending the preferred language in a packet header from the computer to a content provider (fig. 1, shows communicating between a database, a app. server

communicating with a web server, where language information can be sent from the database to the web server to properly display a page, where it would be necessary that an internet connection is used, a packet header would be used to send information to the content provider).

As to claim 34, Fogarty teaches the identity information further includes a second language (natural languages that user can read are listed, col. 6, lines 1-8, where it would be necessary that since the languages is plural a second language would be present).

As to claims 35, 36 and 37, Fogarty teaches determining a first language from the directory entry for the user includes determining the first language and a third language from the directory entry for the user (determining a first, second and third language from the profile of the user saved in the database, col. 7, line 50 through col. 8, line 8).

As to claim 38, Fogarty teaches the first container includes a second default language, and the directory entry can inherit the second default language from the first container (in view of the rejection of claim 3, Fogarty also teaches a second default language for different locations, col. 8, lines 1-8).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TS
1/26/06


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER